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10/090506
02/27/02

PATENT
Attorney Docket No. 101.0054-03000
Customer No. 22882
Via Express Mail Label No. ET747368596US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner For Patents
Washington, D.C. 20231

Prior Application: Art Unit: 3731
Examiner: U. Ho

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/734,303, filed December 12, 2000 of Gary K. Michelson, M.D. for MILLING INSTRUMENTATION AND METHOD FOR PREPARING A SPACE BETWEEN ADJACENT VERTEBRAL BODIES

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/734,303 as originally filed on December 12, 2000.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☒ Cancel Claims 2-124.
4. ☐ An Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

| | | | | | | |
|--|------------------|---|-------|--------------|--------|-----------|
| Basic Application Filing Fee | | | | | \$740 | \$ 740.00 |
| | Number of Claims | | Basic | Extra Claims | | |
| Total Claims | 1 | - | 20 | 0 | x \$18 | 0 |
| Independent Claims | 1 | - | 3 | 0 | x \$84 | 0 |
| [] Presentation of Multiple Dep. Claim(s) | | | | | +\$280 | 0 |
| Subtotal | | | | | | \$ 740.00 |
| Reduction by 1/2 if small entity | | | | | | - 0 |
| TOTAL APPLICATION FILING FEE | | | | | | \$ 740.00 |

6. ☒ A check in the amount of \$740.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 50-1066.
8. ☒ Amend the specification by inserting before the first line, the sentence:

--This is a ☒ continuation ☐ division of application Serial No. 09/734,303, filed December 12, 2000, which is a continuation of application Serial No. 08/688,758, filed July 31, 1996, all of which are incorporated herein by reference.--

9. ☒ New formal drawings are enclosed.
10. ☐ The prior application is assigned of record to: _____
11. ☐ Priority of application Serial No. _____, filed on _____ in _____ (country) is claimed under 35 U.S.C. § 119. A certified copy
☐ is enclosed or ☐ is on file in the prior application.
12. ☐ A verified statement claiming small entity status
☐ is enclosed or ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.
14. ☐ The power appears in the original declaration of the prior application.
15. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. ☒ Please address all correspondence to

Customer No. 22882
MARTIN & FERRARO, LLP
14500 Avion Parkway, Suite 300
Chantilly, Virginia 20151-1101.



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PATENT TRADEMARK OFFICE

[illegible]

17. ☐ Recognize as associate attorney _____
(name, address & Reg. No.)
18. ☒ Also enclosed is an Information Disclosure Statement with Form PTO-1449 and 3 cited documents.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 09/734,303, filed December 12, 2000, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 50-1066. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: February 27, 2002

By: Thomas H. Martin
Thomas H. Martin
Registration No. 34,383

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Telephone: (703) 679-9300
Facsimile: (703) 679-9303

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gary K. Michelson, M.D.)
)
Serial No.: (Cont. of 09/734,303)) (Group Art Unit: 3731)
)
Filed: February 27, 2002) (Examiner: U. Ho)
)
For: MILLING INSTRUMENTATION)
AND METHOD FOR PREPARING A)
SPACE BETWEEN ADJACENT)
VERTEBRAL BODIES)

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Mailing Label No. ET747368596US

Date of Deposit: February 27, 2002

I hereby certify that:

1. Rule 1.53(b) Continuation Application Transmittal Form (in duplicate)
2. Copy of prior application including Declaration and Drawings
3. 23 Sheets of Formal Drawings (A4 paper; Figs. 1-72)
4. Copy of Revocation of Original Power of Attorney and Grant of New Power of Attorney as filed in prior application
5. Information Disclosure Statement with Form PTO-1449 and 3 cited documents
6. Check in the amount of \$740.00 (basic filing fee)
7. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Box Patent Application
U.S. Patent and Trademark Office
Arlington, Virginia 22202

Date: February 27, 2002


Sandra L. Blackmon

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